



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

DONALD BRANDT,	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:06-1938-HFF-WMC
	§	
JONATHAN OZMINT, Director,	§	
South Carolina Department of Corrections; and	§	
TOM CARTER, Sheriff, Allendale County,	§	
Respondents.	§	

ORDER

This case was filed as a 28 U.S.C. § 2254 action. Petitioner is represented by counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondents' motion for summary judgment be granted as to Petitioner's claim that he was denied his right to have the criminal contempt charges proved beyond a reasonable doubt, and denied as to all other claims. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 4, 2007, Respondents filed their objections to the Report on April 23, 2007, and Petitioner filed his reply to Respondents' objections on May 17, 2007. Petitioner did not file any objections to the Report.

The Court has reviewed Respondents' objections, but finds them generally to be the same arguments made to and rejected by the Magistrate Judge. Therefore, inasmuch as the Court agrees with the Magistrate Judge's findings and conclusions as set forth in his comprehensive and well-reasoned Report, there is no reason for the Court to address Respondents' arguments a second time here.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Respondents' objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Respondents' motion for summary judgment be **GRANTED** as to Petitioner's claim that he was denied his right to have the criminal contempt charges proved beyond a reasonable doubt, and **DENIED** as to all other claims.

IT IS SO ORDERED.

Signed this 2nd day of September, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.